

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JAMES G. RIGBY,
Plaintiff,

v.

FIA CARD SERVICES, N.A.,
d.b.a. BANK OF AMERICA,
Defendant.

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Civil Action No. 11-00373-KD-M

ORDER

This matter is before the Court on receipt of the mandate from the Court of Appeals for the Eleventh Circuit. Specifically, on December 21, 2011, this Court adopted the Report & Recommendation of the Magistrate Judge and dismissed the Plaintiff's Complaint. (Docs. 32, 33). Plaintiff appealed the ruling to the Eleventh Circuit. (Doc. 34). The Eleventh Circuit has now issued as mandate its judgment reversing this Court's dismissal of Plaintiff's FCBA, negligence and wantonness claims. (Docs. 39, 40). Accordingly, upon consideration, this case is **REFERRED** to the Magistrate Judge for entry of a Rule 16(b) Scheduling Order given the Eleventh Circuit's ruling.

DONE and ORDERED this the 30th day of **October 2012**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE